

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

State of Montana v. Abbott Labs., Inc., et al.,
D. Mont. Cause No. CV-02-09-H-DWM

*State of Nevada v. American Home Products
Corp., et al.*,
D. Nev. Cause No. CV-N-02-0202-ECR

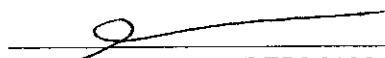
**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF
PLAINTIFFS' JOINT MOTION TO COMPEL DISCOVERY**

Steve W. Berman declares under penalty of perjury under the laws of the State of Washington that:

1. I am the managing partner with the law firm of Hagens Berman LLP, counsel for the plaintiffs State of Nevada and State of Montana in this action, and am competent to testify to the matters herein.
2. Attached hereto as Exhibit 1 is a true and correct copy of the State of Nevada's First Request for Production of Documents to All Defendants.
3. Attached hereto as Exhibit 2 is a true and correct copy of the State of Montana's First Request for Production of Documents to All Defendants.
4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from D. Scott Wise to myself dated August 14, 2003.

5. In response to Mr. Wise's letter, I contacted him for the purpose of attempting to eliminate or narrow the disagreement on whether discovery would move forward (and to thereby comply with Local Rules 7.1(a)(2) and 37.1). I certify to the Court that the parties were unable to reach agreement on this issue.

Executed this 2 day of September, 2003 in Seattle, Washington.



STEVE W. BERMAN